

EXHIBIT 2

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2 DON BURNETTE TAKEN 10/13/2017

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1 focusing trying to solve.

2 Q. Do you have a particular part of the
3 software stack that you are particular for?

4 A. No.

5 Q. Is there any particular part of this Uber
6 self-driving software stack that you filed that you
7 offered in some substantial way?

8 A. No.

9 Q. Do you have any direct reports?

10 A. I have one current direct report.

11 Q. Who is that?

12 A. Jurin ****spell/spell***.

13 Q. Okay. Has your role changed from your
14 last deposition?

15 A. In name, but more or less the same kind
16 of work just a little bit more structured.

17 Q. I think your last deposition you said you
18 were kind of the technical lead for autonomy in
19 software is that still accurate?

20 A. Yeah, that's still create.

21 Q. Can you give me a little more color on
22 what -- on what that means?

23 A. That was my at the time title at the same
24 time -- at the time I was still focusing on leading
25 technical priorities and leading technical efforts

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1 Q. Okay. The term -- the -- the Otto
2 planner, I believe this came out of your last
3 deposition, it does -- [REDACTED]
4 [REDACTED]; is that right?

5 A. That's correct.

6 Q. Was that a new approach that you came up
7 with at Otto?

8 A. I wouldn't say that's a new approach, no.

9 Q. Why not?

10 A. It's wheel understood decades.

11 Q. What other motion planners that you are
12 aware of for self-driving cars that [REDACTED]
13 [REDACTED]
14 [REDACTED]?

15 A. Waymo's.

16 Q. Any others?

17 A. No.

18 Q. Have you ever referred to something
19 called -- I can't [REDACTED]?

20 A. Sure.

21 Q. Does the Otto planner use [REDACTED]
22 [REDACTED]?

23 A. No.

24 Q. All right. Now we are talking [REDACTED]
25 [REDACTED]?

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1 MS. HARTNETT: Join.

2 THE DEPONENT: No, I don't believe we are
3 using [REDACTED].

4 Q. (By Mr. Jaffe) [REDACTED]
5 [REDACTED]

6 MS. HARTNETT: Objection.

7 THE DEPONENT: [REDACTED]
8 [REDACTED]

9 Q. (By Mr. Jaffe) In the current Uber
10 version?

11 A. Yeah.

12 Q. What are [REDACTED]?

13 A. I am -- I am not 100 percent sure.

14 Q. Do you have idea what they are?

15 A. I believe we use [REDACTED]
16 [REDACTED]

17 Q. What's that called?

18 A. [REDACTED]

19 Q. You are still using [REDACTED]?

20 A. Yeah [REDACTED]
21 [REDACTED]

22 [REDACTED] it's.

23 Q. [REDACTED]
24 [REDACTED]

25 A. Correct.

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1 A. No, I -- I don't think so.

2 Q. When you say, I don't think so?

3 A. I don't believe I did.

4 Q. You are not sure you are kinds of
5 hesitating?

6 A. I know I wrote notes left Waymo before I
7 started at -- before I left for my vacation in
8 February.

9 Q. What was your last official day at Waymo?

10 A. February 9th, 2016.

11 Q. And so these are the next day?

12 A. Yes.

13 Q. Okay. Why were you writing these notes
14 the day after you left Waymo?

15 A. There were a couple reasons. One I was
16 committed to get started on the new path for the
17 trucking project that we were going to be working
18 on at Otto. Two, I was going on vacation, that I
19 had plan for a long time for the second half of
20 February. And I knew that your inventor was
21 joining Otto and was going to start working on the
22 plan controller implementation and I wanted to make
23 sure that he understood some of my ideas while I
24 was gone and I didn't get to be there with him so I
25 wanted to write them up as soon as I could have to

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1 them available for them while I was gone.

2 Q. On the -- then actually go to Google at
3 time did you go -- by -- the office --

4 A. On the ninth I believe on the ninth.

5 A. Yes.

6 Q. And approximately what time did you
7 leave?

8 A. 4:00 p.m. maybe.

9 Q. Approximately how many hours later, did
10 you write these notes?

11 A. Twenty-four hours.

12 Q. Like so for 4:00 p.m. the next day?

13 A. Approximately.

14 Q. Did you start on them any earlier?

15 A. No.

16 Q. Were you looking at anything when you
17 wrote these notes?

18 A. No.

19 Q. You weren't referring to anything else?

20 A. No.

21 Q. Did any of the concepts that are
22 described in these notes in Exhibit 7902, did they
23 come from somewhere else?

24 MR. BARTLETT: Objection.

25 THE DEPONENT: What do you mean did they

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1 come from.

2 Q. (By Mr. Jaffe) Did you import these
3 concepts from somewhere else?

4 MR. BARTLETT: Objection.

5 MS. HARTNETT: Join.

6 THE DEPONENT: I mean this -- this is
7 fairly basic concept. Wheel known.

8 Q. (By Mr. Jaffe) Where did you get this
9 basic concept from?

10 A. The concept of [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q. Wheel I'm being more specific to the
14 specific approach that is described here?

15 A. That -- the notes are about what I just
16 described.

17 Q. This is [REDACTED],
18 right?

19 A. Part of it, yes.

20 Q. And you created [REDACTED]
21 [REDACTED] at Waymo right?

22 A. Yes.

23 Q. With the same [REDACTED]?

24 A. The same -- same [REDACTED]
25 [REDACTED]

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1 [REDACTED]

2 [REDACTED].

3 Q. And the same [REDACTED]?

4 A. Sure.

5 Q. And is isn't it fair to say that what you
6 described in 7902 that it is uses the approach that
7 you came up with at Waymo?

8 MR. BARTLETT: Objection.

9 MS. HARTNETT: Join.

10 THE DEPONENT: Yes.

11 Q. (By Mr. Jaffe) Okay.

12 Q. How long did it take you to write these
13 notes here in Exhibit 7902?

14 A. I have no idea.

15 Q. An hour?

16 A. I have no idea approximately a day.

17 Q. You started at 4:00 p.m.?

18 A. I actually don't remember when I started.

19 Q. Again to talk about my earlier question
20 then. Can you tell me how many hours after you
21 left Google that you started writing these notes?

22 A. I cannot tell you that.

23 Q. Okay. So it could have been pretty soon?

24 MS. HARTNETT: Objection.

25 MR. BARTLETT: Join.

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1 A. Yeah, I -- so there are -- there are
2 two -- there are kind of approaches to way you can
3 set up planning there [REDACTED]
4 [REDACTED]. So obviously as we
5 have discussed, Waymo had chosen to use [REDACTED]
6 [REDACTED] and I wanted to push
7 for an approach that involved [REDACTED]
8 [REDACTED].

9 Q. And you created [REDACTED]
10 [REDACTED]?

11 MR. BARTLETT: Objection.

12 MS. HARTNETT: Join.

13 THE DEPONENT: The motion of [REDACTED]
14 [REDACTED] was not novel or unknown but I implemented
15 one, yes.

16 Q. (By Mr. Jaffe) Right that wasn't my
17 question as part of your work on the motion planner
18 team at Waymo, you created [REDACTED]
19 [REDACTED]?

20 MR. BARTLETT: Objection.

21 THE DEPONENT: I implemented one.

22 Q. (By Mr. Jaffe) And. What you said in
23 here on performance review is and I'm this part of
24 the first it became apparent to me current planning
25 architecture would not be sufficient to solve

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1 A. Yes.

2 Q. You kept working on your [REDACTED]

3 [REDACTED] at this right?

4 MR. BARTLETT: Objection.

5 MS. HARTNETT: Join.

6 THE DEPONENT: No.

7 Q. (By Mr. Jaffe) You stopped working on
8 it?

9 A. Yes.

10 Q. Was someone else working on it?

11 A. No.

12 Q. No one else worked on [REDACTED]

13 [REDACTED]?

14 A. No.

15 Q. Do you have any idea whether Waymo is
16 doing [REDACTED] now?

17 A. I do not.

18 Q. All right. Next paragraph to understand

19 additional benefits provided new system it is

20 necessary to dive little deeper into [REDACTED]

21 [REDACTED].

22 Do you see thank yes.

23 Q. You described your [REDACTED]

24 [REDACTED] as a new system, didn't you?

25 A. I did.

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. The [REDACTED]

11 [REDACTED]

12 [REDACTED] file that we looked at that was
13 your laptop?

14 A. Yes.

15 Q. Do you have any explanation for why those
16 are the same?

17 A. These values are [REDACTED]

18 [REDACTED]

19 [REDACTED] are not unique to Waymo
20 or solving drive cars. They are commonly referring
21 to physical quantities that you would find in any
22 motion based physical robotic.

23 Q. Right here [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q. And when would this have been?

2 A. In the month that the -- the review was
3 due March.

4 Q. Do you recall accessing this document at
5 any time after that?

6 A. No.

7 Q. When was -- what was the month that this
8 review was due?

9 A. I believe it was Q1, 2015.

10 Q. And you recall document number or the
11 exhibit No. 7905 the metadata for that document.

12 Do you see that?

13 A. 7905, are the dates consistent with the
14 document accessed this memorandum.

15 MR. JAFFE: Objection. Leading.

16 THE DEPONENT: Yes.

17 Q. (By Mr. Bartlett) You were shown a
18 couple of source code files or what were alleged to
19 be source code files on the -- on they are still on
20 the scene do you recall that?

21 A. Yes.

22 Q. The source code files have the end in.H.
23 Do you see that?

24 A. Yes.

25 Q. Do you know what a .h file is?

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1 A. It's a header file.

2 Q. What's a header file?

3 A. A header file is a -- two parts of C++
4 plus class where define the basic function name
5 that go into the class.

6 Q. What do you mean by function name?

7 A. So the -- the structure of the class is
8 laid out in the header, which just has the -- the
9 names of the -- the methods that you would call on
10 the class defined.

11 Q. And what is a header file how is that
12 differ from other kinds of files?

13 A. So you have -- in C++ you have header
14 file and you have a C file are or a CPP file or a
15 CPC it does what called the ending. It's a
16 implementation portion of the class.

17 Q. What is the implementation portion?

18 A. It's the part of the code where the
19 actual bulk of the algorithm would sit.

20 Q. And you are talking about the C file now?

21 A. Yeah.

22 Q. Or CPP?

23 A. Yeah CPP or C file yes.

24 Q. Were you shown a C file today from your
25 computer?

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1 A. I was not.

2 Q. Were you shown a CPP file today from your
3 computer?

4 A. I was not.

5 Q. You were asked earlier about [REDACTED]
6 [REDACTED]
7 [REDACTED] et cetera et cetera.

8 Do you recall that testimony?

9 A. Yes.

10 MR. JAFFE: Object to form.

11 Q. (By Mr. Bartlett) And your term was
12 these values are commonly referring to physical
13 quantities that you would find in any motion based
14 physical robotic or robotic system do you recall
15 that testimony?

16 MR. JAFFE: Object to form. Also
17 leading.

18 THE DEPONENT: I do.

19 Q. (By Mr. Bartlett) Can you explain that
20 testimony?

21 MR. JAFFE: Same objections.

22 THE DEPONENT: Yeah, I was -- I was
23 simply saying that quantities that describe [REDACTED]

24 [REDACTED]
25 [REDACTED] those are general

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1 physical quantities that describe for trajectory
2 for any robotic system in -- in -- there's no other
3 way to [REDACTED]

4 [REDACTED]

5 Q. (By Mr. Bartlett) How do you know that?

6 MR. JAFFE: Object to form.

7 THE DEPONENT: I worked on many robotic
8 systems in the past.

9 Q. (By Mr. Bartlett) Just for example?

10 A. At the University of the Florida I was
11 the lead software engineer on -- -- and --
12 autonomous sub marine competition team where I
13 wrote most of the software including the motion
14 planner and controller for that robotic.

15 Q. Without going through all of them are
16 there other examples that you can name as well?

17 A. There are.

18 Q. You were asked about the ideas [REDACTED]
19 [REDACTED] earlier do you recall that testimony?

20 A. Yes.

21 Q. You testified that [REDACTED] were
22 basic physical quantities as any planner would
23 have, have I correctly restated your testimony?

24 MR. JAFFE: Objection. Leading.

25 THE DEPONENT: I don't remember